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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
STEVEN LEE VARGEM,)
)
Defendant.)
)

No. CR 10-00729 EJD
STIPULATION AND ~~PROPOSED~~ ^{REQUEST}
ORDER CONTINUING HEARING FROM
SEPTEMBER 19, 2011 TO OCTOBER 17,
2011 AND EXCLUDING TIME FROM
THE SPEEDY TRIAL ACT
CALCULATION

The Parties, Steven Lee Vargem and the United States, acting through respective counsel, hereby stipulate, subject to the Court's approval, that the hearing currently set for September 19, 2011 at 1:30pm be vacated, and that the hearing be re-set for October 17, 2011 at 1:30pm. The government is requesting the continuance of the hearing due to the need for additional time for effective preparation and the need to jointly negotiate a resolution in this matter.

The parties stipulate that the time between September 19, 2011 and October 17, 2011 is excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested continuance would unreasonably deny government counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Finally, the parties

1 agree that the ends of justice served by granting the requested continuance outweigh the best
2 interest of the public, and the defendant in a speedy trial and in the prompt disposition of
3 criminal cases. 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

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5 DATED: September 14, 2011

MELINDA HAAG
United States Attorney

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7 /s/
8 SUZANNE M. DeBERRY
Special Assistant United States Attorney

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10 /s/
11 DONALD E. J. KILMER, JR.
Attorney for Defendant

~~Proposed~~
[PROPOSED] ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the hearing in this matter previously set for September 19, 2011 at 1:30 pm is vacated, and the matter is continued to October 17, 2011 at 1:30pm. Further, the Court ORDERS that the time between September 19, 2011 and October 17, 2011 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny government counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

DATED: September 15, 2011



EDWARD J. DAVILA
UNITED STATES DISTRICT COURT JUDGE